



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

Al Raymore
Branch General Manager
Safety-Kleen Systems, Inc.
150 Allenbill Drive
Johnstown, PA 15904

OCT 27 2015

Re: Notice of Violation
Compliance Evaluation Inspection
August 18, 2015
EPA ID No. PAD981736143

Docket No.: R3-16-NOV-RCRA-02

Dear Mr. Raymore:

On August 18, 2015, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") of Safety-Kleen Systems, Inc. ("Facility" or "Safety-Kleen") located at 150 Allenbill Drive, Johnstown, PA 15904, under the federally authorized Pennsylvania Hazardous Waste Management Regulations ("PaHWMR") and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. Based on the August 18, 2015 CEI, EPA has determined that Safety-Kleen has violated regulations under PaHWMR and RCRA. As a result of this determination, EPA is issuing this Notice of Violation ("NOV"). The specific violation(s) are:

1. During the August 18, 2015 EPA CEI, the EPA inspectors observed four closed containers of branch generated hazardous waste located in the Container Warehouse. Please see Photographs #38 - #42 in the Photographic Log of the EPA CEI Report included as Attachment A. At the time of the inspection, each of the containers was not labeled with a hazardous waste label. The Facility's RCRA permit requires that containers used to store hazardous waste are labeled with a hazardous waste label. The Facility failed to label four containers of branch generated hazardous waste with a hazardous waste label in violation of RCRA Permit #PAD981736143, Part III.H, which references Attachment #6, Section L-1a.
2. During the August 18, 2015 EPA CEI, the EPA inspectors observed that each of the four containers reference in Violation #1 above were not marked with an accumulation start date. The Container Management Practices listed in the Facility's RCRA permit requires that each container used to store hazardous waste that is generated by the Facility to be labeled with an accumulation start date. The

Facility failed to label four containers of generated hazardous waste with an accumulation start date as required in RCRA Permit #PAD981736143, Part III.H, which references Attachment #6, Section L-1b.

3. During the August 18, 2015 EPA CEI, the EPA inspectors observed the Facility's 15,000-gallon tank ("Tank #2") used for the storage of hazardous waste parts washer solvent. At the time of the EPA CEI, the EPA inspectors observed cracks in the concrete secondary containment for the waste solvent tank. Please see Photograph #26 and Photograph #29 in the Photographic Log of the EPA CEI Report included as Attachment A. The Facility's RCRA permit requires that the secondary containment for Tank #2 is free of cracks and gaps to prevent the migration of releases to the soil, ground water, or surface water. Based on the observations made during the EPA CEI, the Facility failed to maintain the secondary containment structure for Tank #2 in accordance with RCRA Permit #PAD981736143, Part IV.E, which references Attachment #7, Section M-7.

A copy of the EPA inspection report, documenting the findings of the inspector, is enclosed as Attachment A for your information and includes only those attachments not provided by the facility representative(s) at the time of or subsequent to the inspection.

Within **fifteen (15) calendar days** of the receipt of this NOV, please submit documentation of any measures that the Facility has taken or is taking to achieve compliance with the violations noted above. If the compliance measures identified are planned or are ongoing, please provide a schedule for when the compliance measures will be completed. If the Facility can provide documentation which shows that EPA's determination of the alleged violation(s) is in error, please submit this information as well. Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day for each violation. In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

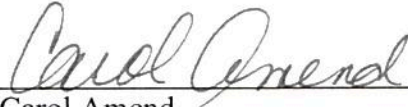
With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed Attachment B, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are

covered by the SBREFA.

This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the ones cited in this letter, or past violations in any future enforcement action. Your response to this NOV shall be addressed to:

Andrew Ma
U.S. Environmental Protection Agency - Region III
Environmental Science Center
701 Mapes Road
Fort Meade, MD 20755

If you have any questions regarding this matter, please feel free to contact Mr. Andrew Ma at (410) 305-3429.



Carol Amend
Associate Director
Land & Chemicals Division
Office of Land Enforcement

Oct 27, 2015
Date

Enclosure

cc: A. Ma (3LC70) w/o
P. Belgiovane (3LC70) w/o
M. Gross (PADEP) w/o

